

**TOWN BOARD MEETING  
WEDNESDAY, MAY 5, 2010; 7:00 P.M.  
NEW WINDSOR TOWN HALL  
NEW WINDSOR, NEW YORK**

**BOARD MEMBERS PRESENT:** Supervisor Green, Councilwoman Mullarkey, Councilwoman Biasotti, Councilman Lundstrom

**OTHER OFFICIALS PRESENT:** Comptroller Finnegan, Town Attorney Blythe, Deputy Police Chief Hovey, Highway Superintendent Fayo

**ABSENT OFFICIALS:** Councilwoman Weyant

Supervisor Green called to order the Town Board meeting and presided over same.

**#1 On Agenda: Minutes**

Motion by Councilwoman Mullarkey, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor approve the minutes of the Public Hearing regarding amendments to Chapter 280 Vehicle and Traffic Local Law and the minutes of the Town Board meeting, both held on April 7, 2010 as per the copies posted on the Town Clerk's bulletin board in the Town Hall, and same distributed to each of the Town Board members.

*Roll Call: All Ayes*

*Motion Carried: 4-0*

**UNFINISHED BUSINESS**

**HIGHWAY DEPARTMENT**

**#2 On Agenda: Motion – Authorization To Advertise For Sealed Bids – Sale Of Used Town Vehicles**

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize the Town Clerk to advertise pursuant to law, calling for sealed bids for the sale of used town equipment. The bids to be received and publicly opened at 10:00 A.M. in the Town Clerk's office in Town Hall, 555 Union Avenue, New Windsor, New York on the 25<sup>th</sup> day of May 2010. The Town Board reserves the right to reject any or all bids.

*Roll Call: All Ayes*

*Motion Carried: 4-0*

**#3 On Agenda: Receive And File Consent And Order – Pin Oak Drive**

Hearing no objection, the Town Board of the Town of New Windsor receive and file Consent of the Town Board of the Town of New Windsor and Order of the Town of New Windsor Highway Superintendent for the acceptance of Pin Oak Drive, in the Valley Fields Estates Subdivision, as a public highway.

**WATER DEPARTMENT**

**#4 On Agenda: Motion – Adopt Order Calling Public Hearing – Establishment Of Extension #3 To Water District 5 – Knox Village Associates**

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor adopt an Order Calling Public Hearing to be held on June 2, 2010, at 555 Union Avenue, New Windsor, New York at 7:00 o'clock p.m. to establish extension #3 of Water District 5, Knox Village Associates, n/k/a Legacy Woods Associates, LLC, in accordance with the Order attached hereto.

*Roll Call: All Ayes*

*Motion Carried: 4-0*

**SANITATION DEPARTMENT**

**GENERAL**



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**#5 On Agenda:     Motion – Authorize Solicitor’s Permit – Nicholas Minutolo**

Motion by Councilwoman Mullarkey, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor authorize the renewal of a Solicitor’s Permit submitted by veteran, Nicholas Minutolo, 23 Coach House Court, New Windsor, New York, to sell hot dogs, hot sandwiches, snacks and drinks in the Town of New Windsor on Section 4, Block 3, Lot 17.6. Permit shall be obtained from the Town Clerk’s office; permit fee shall be waived.

*Roll Call: All Ayes*

*Motion Carried: 4-0*

**#6 On Agenda:     Motion – Authorize Execution Of Bill Of Sale And Convey Title**

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize the Supervisor to execute a Bill of Sale and convey title to a 1996 Chevrolet Tahoe LS, VIN 1GNEK13R5TJ338337 at fair market value in accordance with the attached offer and estimate.

*Roll Call: All Ayes*

*Motion Carried: 4-0*

**#7 On Agenda:     Receive And File Work Activities Log**

Hearing no objection the Town Board of the Town of New Windsor receive and file with the Town Clerk a Work Activities Log for Justice Noreen Calderin covering the period January 4, 2010 through April 2, 2010 as per new regulation #315.4 of the New York State and Local Retirement System.

**#8 On Agenda:     Receive And File Petition To Change Truck Route**

Hearing no objection, the Town Board of the Town of New Windsor receive and file Petition to change truck route back to regular traffic on Ruscitti Road, Walnut Street and MacArthur Avenue.

**#9 On Agenda:     Motion – Authorize Execution Of Change Order –  
Oak Street Drainage Improvement Project**

Motion by Councilwoman Mullarkey, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize the Supervisor to execute Change Order #2 in the amount of \$1,154.00 for the Oak Street Drainage Improvement project (a/k/a Spruce Street Drainage Project) as recommended by McGoe, Hauser & Edsall Consulting Engineers, P.C.

*Roll Call: All Ayes*

*Motion Carried: 4-0*

**#10 On Agenda:     Motion – Adopt Resolution In Support Of Silver Star Banner Day**

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor supports the adoption of the following Resolution:

**WHEREAS**, the Town of New Windsor has always honored the sacrifice of the men and women in the Armed Forces; and

**WHEREAS**, the Silver Star Families of America was formed to make sure we remember the blood sacrifice of our wounded and ill by designing and manufacturing a Silver Star banner and flag; and

**WHEREAS**, to date the Silver Star Families of America has freely given thousands of Silver Star banners to the wounded and their families; and

**WHEREAS**, the members of the Silver Star Families of America have worked tirelessly to provide the wounded of this Town and Country with Silver Star banners, flags and care packages; and

**WHEREAS**, the Silver Star Families of America’s sole mission is that every time someone sees a Silver Star banner in a window or a Silver Star flag flying, that people remember the sacrifices for this Town, State and Nation; and



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**WHEREAS**, the people and Supervisor of the Town of New Windsor wish that the sacrifice of so many in our Armed Forces never be forgotten.

**NOW, THEREFORE, I, GEORGE A. GREEN, SUPERVISOR OF THE TOWN OF NEW WINDSOR** do hereby proclaim my appreciation of the Silver Star Families of America and honor their commitment to our wounded Armed Forces members. I hereby declare May 1<sup>st</sup> “SILVER STAR BANNER DAY” the permanent and official day to honor the wounded and ill soldiers of the Town of New Windsor.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the Town of New Windsor in the State of New York this 5<sup>th</sup> day of May 2010.

*Roll Call: All Ayes*

*Motion Carried: 4-0*

**#11 On Agenda: Motion – Authorize Calling A Public Hearing – Special Use Permit**

Motion by Councilwoman Mullarkey, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor hereby calls a Public Hearing to be held on June 2, 2010 at 555 Union Avenue, New Windsor, New York at 7:00 o'clock p.m. for a Special Use Permit for a Planned Unit Development located at Hawthorne Way in the Town of New Windsor and commonly referred to as The Grove at New Windsor.

*Roll Call: All Ayes*

*Motion Carried: 4-0*

**#12 On Agenda: Motion – Authorize Execution Of PREED – New York State Department Of Motor Vehicles**

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize the Supervisor to execute the Parking Regulation Electronic Enforcement and Disposition System with the New York State Department of Motor Vehicles.

*Roll Call: All Ayes*

*Motion Carried: 4-0*

**#13 On Agenda: Receive And File Contract Extension – Greenway Conservancy For Hudson River Valley, Inc.**

Hearing no objection, the Town Board of the Town of New Windsor receive and file Contract Extension dated April 15, 2010 between Town of New Windsor and Greenway Conservancy for the Hudson River Valley, Inc., for construction of gabion wall at Plum Point Park.

**#14 On Agenda: Receive And File Irrevocable Offer Of Dedication – Epiphany Drive And Temporary Easement**

Hearing no objection, the Town Board of the Town of New Windsor receive and file Irrevocable Offer of Dedication from RPA Associates, LLC and AVR-RPA Development, LLC to Town of New Windsor for Epiphany Drive and temporary Turnaround Easement.

**#15 On Agenda: Receive And File Deed – Epiphany Drive And Temporary Easement**

Hearing no objection, the Town Board of the Town of New Windsor receive and file deed from RPA Associates, LLC and AVR-RPA Development, LLC to Town of New Windsor for Epiphany Drive and temporary Turnaround Easement.

**#16 On Agenda: Receive And File Agreement – Water Main Easement**

Hearing no objection, the Town Board of the Town of New Windsor receive and file Agreement from RPA Associates, LLC and AVR-RPA Development, LLC to Town of New Windsor for water main easement.



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**#17 On Agenda: Receive And File Irrevocable Offer Of Dedication –  
Water Quality Storm Water Detention**

Hearing no objection, the Town Board of the Town of New Windsor receive and file Irrevocable Offer of Dedication from RPA Associates, LLC and AVR-RPA Development, LLC to Town of New Windsor for Water Quality Storm Water Detention.

**#18 On Agenda: Receive And File Deed - Water Quality Storm Water Detention**

Hearing no objections, the Town Board of the Town of New Windsor receive and file deed from RPA Associates, LLC and AVR-RPA Development, LLC to Town of New Windsor for water quality storm water detention.

**#19 On Agenda: Receive and File Letter of Credit – Valley Fields Estates**

Hearing no objection, the Town Board of the Town of New Windsor receive and file original Letter of Credit from Walden Savings Bank, dated April 13, 2010, for Valley Fields Estates (a/k/a Sawyer Subdivision), Planning Board #03-31, in the sum of \$85,928.90 representing a maintenance bond for Pin Oak Drive and the storm water drainage as authorized by the Town Board on November 4, 2009.

**#20 On Agenda: Receive And File Petition – Creation Of Transportation District**

Hearing no objection, the Town Board of the Town of New Windsor receive and file a notarized Petition for the creation of a transportation district (a/k/a street improvement district) to include Oak Hill Drive and Deer Hill Road.

**#21 On Agenda: Receive And File Notice of Claim – Troy D. Dancy**

Hearing no objection, the Town Board of the Town of New Windsor receive and file Notice of Claim in the matter of Troy D. Dancy v. Town of New Windsor received on April 8, 2010.

**#22 On Agenda: Receive And File Notice Of Claim – Nefateria Squire-Dancey**

Hearing no objection, the Town Board of the Town of New Windsor receive and file Notice of Claim in the matter of Nefateria Squire-Dancey v. Town of New Windsor received on April 8, 2010.

**#23 On Agenda: Motion – Adopt Resolution Of Suitability –  
Amber Grove Senior Housing (Planning Board #10-07)**

Motion by Councilwoman Mullarkey, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor adopt the following resolution:

**WHEREAS**, the Town Board of the Town of New Windsor has received correspondence from the New Windsor Planning Board dated May 5, 2010 regarding the proposed Amber Grove Senior Housing Project (“The Project”); and

**WHEREAS**, the Planning Board has advised that the site of the proposed project is located within the Senior Housing Overlay District and that the application is sufficient to commence Town Board review; and

**WHEREAS**, the Planning Board has found the application status suitable for Town Board consideration of Totally Affordable Senior Housing in accordance with the criteria set forth in Section 300-18.1 (C) and 300-18(D) of the Town Code; and

**WHEREAS**, the Planning Board has declared its intent to serve as State Environmental Quality Review (SEQR) lead agency for a coordinated environmental review; and



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**WHEREAS**, the Town Board has received and reviewed the application for the project, which is located at the corner of Forge Hill Road and NYS Route 94 in the Town of New Windsor; and

**WHEREAS**, the Town Board has reviewed the site selection in conjunction with the criteria listed in Section 300-18.1 (C) and 300-18(D) of the Town Code;

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of New Windsor finds that the Amber Grove Senior Housing Project is generally in compliance with the site selection criteria as set forth in Section 300-18.1 (C) and 300-18(D) of the Town Code; and

**BE IT FURTHER RESOLVED** that, the Town Board of the Town of New Windsor hereby advises the Planning Board that it believes that the site proposed for the Amber Grove Senior Housing Project is suitable for that purpose in accordance with Section 300-18.1 (C) and 300-18(D) of the Town Code; and

**BE IT FURTHER RESOLVED** that, the Town Board of the Town of New Windsor directs the Planning Board to advise when the SEQR process has concluded and to refer same back to the Town Board for consideration of a Special Use Permit.

*Roll Call: All Ayes*

*Motion Carried: 4-0*

**#24 On Agenda: Officials Reports**

The following reports were received, recorded and filed with the Town Clerk:

Building Department	Month of April 2010
Fire Prevention	Month of April 2010
Justice Court – Noreen Calderin	Month of April 2010
Justice Court – Richard W. Thorpe	Month of April 2010
Police Department	Month of April 2010
Recreation Department	Month of April 2010
Tax Receiver - Water / Sewer / Garbage	Month of April 2010
Tax Receiver - Monthly Tax Statement	Month of April 2010
Town Clerk	Month of April 2010

**#25 On Agenda: Public Forum**

Supervisor Green opened the public forum portion of the meeting by asking if any of the Board had any comments. He then asked if anyone else had any comments or questions.

Barney Bedetti asked about the status of the water agreements with the City of Newburgh. Supervisor Green said that there was nothing new and that for the record this is nothing but extortion on the part of the City of Newburgh. He said he has been in touch with the city manager and they will be meeting to discuss this. Supervisor Green said we have two signed agreements which are only two years old and the city manager has come out in the newspaper and said that the City of Newburgh is looking for more money, a better deal. He also said that if they think that for one minute that we are going to pay more money to take swamp water out of Brown’s Pond when we can’t use the aqueduct, they better think again. We are paying the same price for water out of Brown’s Pond that we are paying for water out of the aqueduct.

Leo Braun asked a question about the rate we pay for water to the City of Newburgh and Supervisor Green said that we do not take finished water from Newburgh although we do have an agreement to take finished water and we would pay the same rate as any user in the City of Newburgh would pay. He said it would take between \$500,000 and \$750,000 to build a facility to connect with the City of Newburgh to take the quantity of water that we would like to take and he has resisted doing that for the past several years simply because there are other things going on which may make that unnecessary. He also said wouldn’t we be in nice shape now if we had spent the money to put into building that facility, and the City of Newburgh decided to cancel our contracts.



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Hearing no one else wishing to speak, Supervisor entertained a motion to close the Public Forum portion of the meeting.

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor close the Public Forum.

*Roll Call: All Ayes*

*Motion Carried: 4-0*

**#26 On Agenda: Adjourn**

Motion by Councilwoman Mullarkey, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor adjourn the Town Board meeting at 7:24 p.m.

*Roll Call: All Ayes*

*Motion Carried: 4-0*

Respectfully submitted,

**DEBORAH GREEN**  
TOWN CLERK

/clc